

REMARKS

Applicants appreciate the indication that claims 72-73, 77-83, 88-90, 104-106, 118-125, and 127 recite allowable subject matter.

Applicants hereby add new claims 130-138 and cancel claim 73. Accordingly, claims 68-72 and 74-95, 103-106 and 118-137 are pending in the present application.

Claim 92 stands rejected under 35 USC 112, second paragraph, for indefiniteness. Claims 103, 126, and 128-129 stand rejected under 35 USC 102(a) for anticipation by U.S. Patent No. 6,183,352 to Kurisawa. Claims 68-69, 76, 84-86, and 105 stand rejected under 35 USC 103(a) for obviousness over Kurisawa. Claims 68-71, 74-76, 85-87, 91, 94, and 95 stand rejected under 35 USC 103(a) for obviousness over U.S. Patent No. 5,718,620 to Tanaka et al. Claim 93 stands rejected under 35 USC 103(a) for obviousness over Tanaka et al. in view of Kurisawa.

Claim 68 has been amended to include the limitations of claim 73 indicated to be allowable. Applicants submit claim 68 is allowable.

The claims which depend from independent claim 68 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Independent claim 87 stands rejected over Tanaka. Applicants disagree with the rejection. In particular, page 4 of the Office Action recites teachings of Tanaka which allegedly disclose limitations of claim 87. However, the identified teachings fails to disclose or suggestion the claimed limitations. For example, claim 87 recites *providing a sample of a process fluid, providing the sample of the process fluid in a substantially static state,*

*and **monitoring the sample of the process fluid***. The limitations of claim 87 are not shown nor suggested by the prior art.

Tanaka teaches an abrasive compound tank 13 receives abrasive compound 9 that flows radially outwardly on the reference table 2 and falls off the outer circumferential edge thereof (col. 6, lines 1-13). The tank 13 stores the compound until the compound is pumped back to nozzle 10 for reuse. The teachings in col. 6 recite monitoring temperature of an entirety of compound 9 within the storage tank 13 as set forth in col. 6, lines 17-27 to maintain the entirety of the compound 9 at a predetermined temperature in the tank 13. With the aim to provide the temperature of the compound 9 at the predetermined temperature, Tanaka is clearly directed towards monitoring of temperature of an entirety of the compound fluid in the tank 13. Tanaka is not concerned with monitoring a sample as claimed inasmuch as Tanaka clearly is directed towards monitoring temperature of an entirety of the compound 9 stored in tank 13 to provide results of increased accuracy.

An exemplary definition of sample is provided as a small segment or quantity taken as evidence of the quality or character of the entire group or lot (Webster's Third New International Dictionary, Copyright 1976, vol. III, page 2008). Tanaka fails to disclose or suggest the claimed providing of the **sample**, providing the sample in a **substantially static state** or **monitoring the sample** of the process fluid. Tanaka teaches monitoring an entirety of temperature of the compound in tank 13 as opposed to providing the claimed sample. Further, the entry of new compound into tank 13 and suction of compound 9 from tank 13 using pump 21 would preclude provision of the sample in a substantially static state as claimed. Finally, the monitoring of temperature of an entirety of the compound in

tank 13 of Tanaka fails to teach or suggest monitoring the sample as claimed. Numerous limitations of claim 87 are not shown nor suggested by the prior art and claim 87 is allowable.

The claims which depend from independent claim 87 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Independent claim 103 was rejected over Kurisawa during the prosecution of the '260 application. Kurisawa does not qualify as prior art. In particular, Kurisawa was filed in the U.S. on August 25, 1999 claiming priority from a Japanese application filed August 28, 1998 and published March 7, 2000. The present application claims priority from serial no. 09/517,127, filed March 2, 2000, which was a continuation-in-part of serial no. 09/324,737, filed June 3, 1999, now U.S. Patent No. 6,290,576 B1. Claim 103 is supported by Figs. 1-11 and associated specification teachings of the present application which comprise subject matter disclosed in the 09/517,127 and 09/324,737 applications. Applicants request withdrawal of the rejection of claim 103 over the prior art and allowance of claim 103 in the next Action.

The claims which depend from independent claim 103 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Independent claim 126 stands rejected over Kurisawa. Kurisawa does not qualify as prior art. Claim 126 is supported by Figs. 1-11 and associated specification teachings of the present application which comprise subject matter disclosed in the 09/517,127 and

09/324,737 applications. Applicants request withdrawal of the rejection of claim 126 over the prior art and allowance of claim 126 in the next Action.

The claims which depend from independent claim 126 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Claim 92 stands rejected for alleged indefiniteness. The Office Action alleges the claim is awkwardly worded. Applicants submit the claim is understood and definite to one of skill in the art, and accordingly, the 112, second paragraph rejection is improper. Applicants request allowance of claim 92 or further clarification of the allegedly indefinite language of claim 92 in a non-Final Action if the rejection is maintained.

New claim 130 includes limitations of claim 68 and claim 72. Claim 130 is believed to be allowable in view of the indication of the Office Action that claim 72 was allowable.

New claim 131 includes limitations of claim 68 and claim 77. Claim 131 is believed to be allowable in view of the indication of the Office Action that claim 77 was allowable.

New claim 132 includes limitations of claim 68 and claim 78. Claim 132 is believed to be allowable in view of the indication of the Office Action that claim 78 was allowable.

New claim 135 includes limitations of claim 68 and claim 81. Claim 135 is believed to be allowable in view of the indication of the Office Action that claim 81 was allowable.

Support for new claim 138 may be found at least at Figs. 1-3 and associated specification teachings of the originally filed application.

Applicants submit an Information Disclosure Statement herewith.

Applicants request allowance of all pending claims.

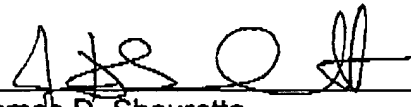
The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated: _____

11/10/03

By: _____



James D. Shaurette
Reg. No. 39,833